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Wednesday
January 15, 1992

Part VI

Department of Transportation

Coast Guard

33 CFR Part 157

Draft Regulatory Impact Analysis, Including Regulatory Flexibility Act Analysis, and Finding of No Significant Impact for Double Hull Standards for Tank Vessels Carrying Oil; Notice of Availability

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 157

[CGD 90-051]

RIN 2115-AD61

Draft Regulatory Impact Analysis, Including Regulatory Flexibility Act Analysis, and Finding of No Significant Impact for Double Hull Standards for Tank Vessels Carrying Oil

AGENCY: Coast Guard, DOT.

ACTION: Notice of availability.

SUMMARY: The Coast Guard has prepared a draft Regulatory Impact Analysis (RIA), including a Regulatory Flexibility Act Analysis, an Environmental Assessment (EA), and a draft Finding of No Significant Impact (FONSI) on the human environment for double hull standards for tank vessels carrying oil. The draft RIA is part of a programmatic RIA which will address the individual and cumulative impacts from all the regulations issued under titles IV and V of the Oil Pollution Act of 1990 (OPA 90). The Coast Guard will accept comments on both the draft RIA and the draft FONSI.

DATES: Comments must be received on or before February 14, 1992.

ADDRESSES: Comments may be mailed to the Executive Secretary, Marine Safety Council (G-LRA-2/3406) (CGD 90-051), U.S. Coast Guard Headquarters, 2100 Second Street SW., Washington, DC 20593-0001, or may be delivered to Room 3406 at the above address between 8 a.m. and 3 p.m., Monday through Friday, except Federal holidays. The telephone number is (202) 267-6740. Comments may be faxed to the Executive Secretary at (202) 267-4163. The Executive Secretary maintains the public docket. Comments will become part of this docket and will be available for inspection or copying at room 3406, U.S. Coast Guard Headquarters.

Copies of the draft RIA, the EA, and the draft FONSI for double hull standards for tank vessels carrying oil are available for inspection and copying at the above address.

Copies of the draft RIA, the EA, and the draft FONSI may also be obtained by contacting Mr. Bruce Novak, Manager, Clearance and Coordination, OPA 90 Staff, (202) 267-6189. Although there is no fee for the EA and the draft FONSI, high production costs for the draft RIA require a $25.00 per copy fee. Checks should be made payable to the U.S. Treasury.

FOR FURTHER INFORMATION CONTACT: Mr. Albert J. Klingel, Jr., OPA 90 Staff, (202) 267-6818.

SUPPLEMENTARY INFORMATION:

Request for Comments

The Coast Guard encourages interested persons to submit written data, views, or arguments. Persons submitting comments should submit their name and address, identify the docket (CGD 90-051) and the specific section of the documents to which each comment applies, and give a reason for each comment. Persons wanting acknowledgment of receipt of comments should enclose a stamped, self-addressed postcard or envelope.

Background and Discussion

The Coast Guard intends to conduct a comprehensive, programmatic Regulatory Impact Analysis (RIA) for all the regulations to be issued under Titles IV and V of the Oil Pollution Act of 1990 (Pub. L. 101-380) (OPA 90). Such a comprehensive document is required under Executive Order 12291, "Improving Government Regulations", and the Department of Transportation (DOT) Regulatory Policies and Procedures (44 FR 11034). The programmatic RIA for Titles IV and V will contain sections which deal with the impacts of each individual rulemaking and relate them to an assessment of impacts in total. Interactions among individual elements will be analyzed. For example, operational measures contained in one part of OPA 90 could enhance overall effectiveness while reducing the particular benefits initially attributed to vessel construction standards.

The first draft section of this programmatic RIA addresses the double hull requirement for construction of new tankers, as required by section 4115(a) of OPA 90 (46 U.S.C. 3703a) and the resulting phaseout of existing tankers. As additional rulemakings under the authority of titles IV and V of OPA 90 are developed, supplementary sections of the RIA will be made available to the public for comment. Some of those rulemakings, which are deemed neither significant nor major under DOT policies will be excluded from the RIA. Others will be grouped together for evaluation due to the similarity in the subject areas covered.

A separate file (CGD 91-207) has been established to facilitate review of the programmatic RIA for titles IV and V of OPA 90. A copy of this draft RIA, together with all comments received pertaining to the draft, will be placed in that file. As the regulatory evaluation documents prepared for other rules issued under titles IV and V of OPA 90 become available, they (and any public comments) will be placed in that file, as well as in the relevant rulemaking dockets.

On December 5, 1990, the Coast Guard published a Notice of Proposed Rulemaking (NPRM) (55 FR 50192) to implement the double hull requirement of section 4115 of OPA 90. This proposal included standards to define the double hulls that OPA 90 requires to be fitted on all tank vessels built or converted under contracts awarded on or after June 30, 1990. At the time of the publication of the NPRM, a preliminary regulatory evaluation had been completed; a regulatory flexibility analysis had not been completed.

Since then, the Coast Guard has conducted additional analysis. The resulting draft RIA, including a Regulatory Flexibility Act Analysis, are now available for public review and comment. They may be revised as further data and analysis are developed, either with regard to details of the evaluation itself or with respect to the interactions between the double hull requirement and other licensing, operational, or response requirements under the OPA 90.

The draft RIA examines the double hull requirement for new construction and for retrofitting or retiring existing vessels, as set out in OPA 90; evaluates proven major hull design alternatives; estimates the cost over the next 25 years of implementing the requirement; evaluates the potential benefits of double hulls; presents an evaluation of the benefits and costs; and analyzes the distribution of the impacts of double hulls as required by the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*).

An Environmental Assessment (EA) has been completed with a draft Finding of No Significant Impact (FONSI) on the quality of the human environment, as defined by the National Environmental Policy Act of 1969 (Pub. L. 91-190) and the Council of Environmental Quality Regulations dated 1 July 1986 (40 CFR 1500-1508). The EA and the draft FONSI have been placed in the docket.

Summary of Draft RIA

Under OPA 90, with certain exceptions, all newly constructed tank ships and barges navigating in U.S. waters must be built with double hulls, and existing vessels which do not comply with the double hull requirement will be phased out over a 25 year period. The phaseout schedule for existing vessels, and the technical specifications for new construction, vary according to the type and size of vessel.

There are three major categories of hull design alternatives: secondary barriers to oil mixing with water, outflow management techniques to mitigate pollution, and increased penetration resistance to reduce oil outflow. Eight alternative hull designs were analyzed in terms of benefits and costs: MARPOL tanker (as the reference vessel), MARPOL tanker with hydrostatic control, double bottom, double sides, double sides with hydrostatic control, double hull, double hull with hydrostatic control, and smaller cargo tanks.

The double hull requirement will increase the average annual cost of transporting oil in U.S. waters by approximately 350 million dollars, the equivalent of approximately 16 cents per barrel. The cost per barrel of oil not spilled is estimated at 24 thousand dollars. The increased transportation cost will result primarily from a higher vessel construction cost, amortized over the service life of the vessel and, to a lesser extent, from an increase in maintenance and repair costs and a decline in cargo carrying capacity. The cost of implementing the double hull requirement is less than the cost of implementing hull design alternatives that include hydrostatic control but is more expensive than double sided, double bottom, or small tank alternatives.

The principal benefit of the double hull requirement will be a reduction in oil spilled from hull damage due to groundings and collisions. A partial quantification of the monetary benefits of the double hull requirement has been performed by analyzing historic spill unit values and estimating the effectiveness of alternative designs in reducing oil outflow. This analysis shows that the quantifiable benefits expected from double hulls are higher than those for double bottoms, double sides, and small tanks, but less than those estimated from MARPOL tankers with hydrostatic control. In addition to the quantifiable benefits, double hulls also will reduce the inconvenience and damage from oil spills to other users of the shared ocean resource—e.g., fishing, boating, swimming, and other competing uses. Nevertheless, all design alternatives impose costs that substantially exceed quantifiable benefits. The benefit/cost analysis indicates that the double hull solution is no less reasonable than other hull design alternatives. Overall, the quantifiable benefit/cost ratios are positive only if very high values for averted spill costs and low benefit discount rates are assumed. A structural solution, such as double hulls, will also result in additional non-quantifiable benefits through the reduction of tankers oils spills.

The impact of the OPA 90 double hull requirement will be distributed differently across different sectors of the U.S. oil waterborne transportation industry. Spread out over the 25 year implementation period for OPA 90, the impact on international tanker operators is expected to be small. Large operators of inland barges are not expected to be significantly affected by the requirement, as the industry had already generally adopted double hull construction prior to OPA 90. Smaller, undercapitalized operators of inland barges and operators on non-Alaska trade coastal tankers and barges, however, may suffer adverse impacts.

Dated: January 10, 1992.

D.H. Whitten,

Captain, U.S. Coast Guard, Acting Chief, Office of Marine Safety, Security and Environmental Protection.

[FR Doc. 92-1195 Filed 1-13-92; 2:45 pm]

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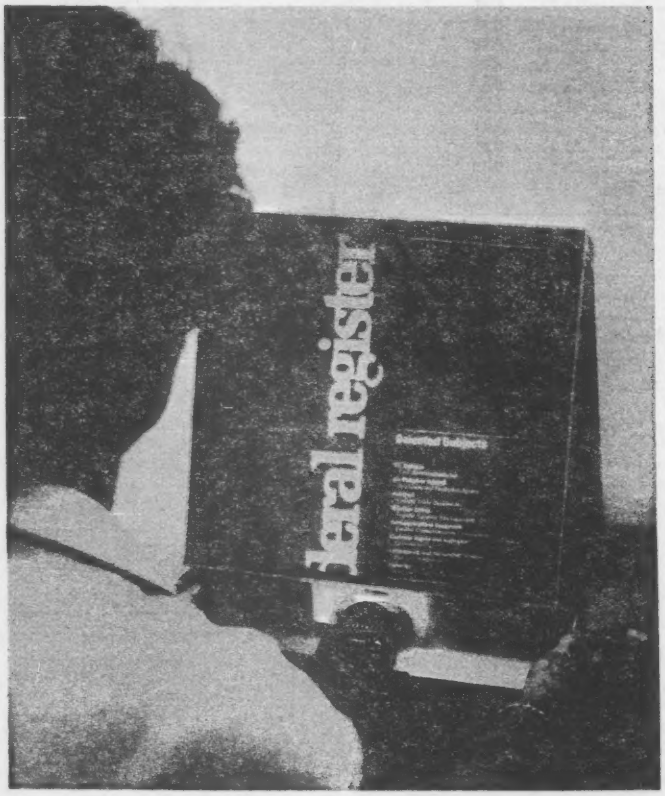

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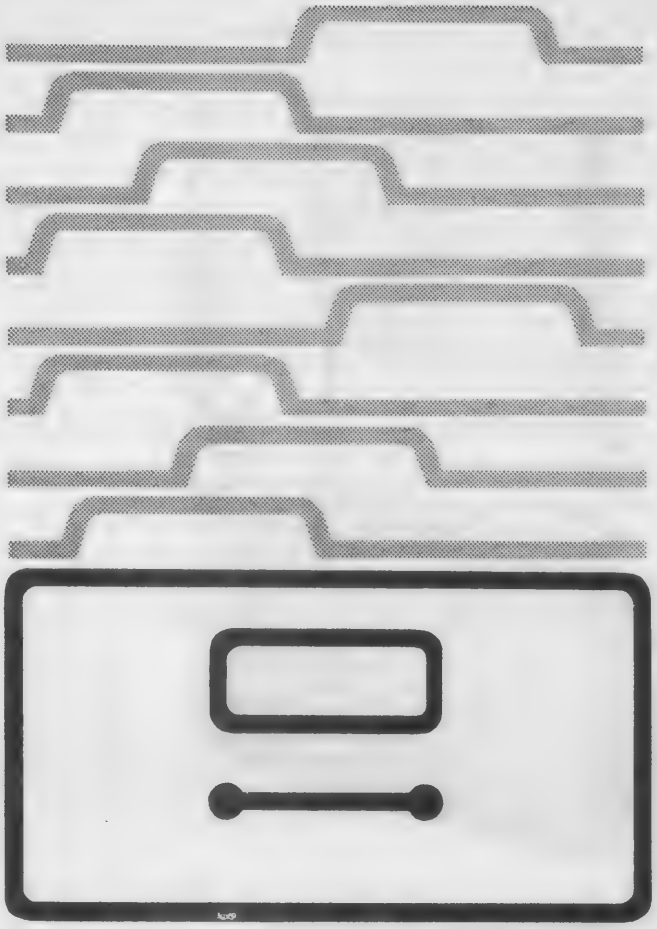

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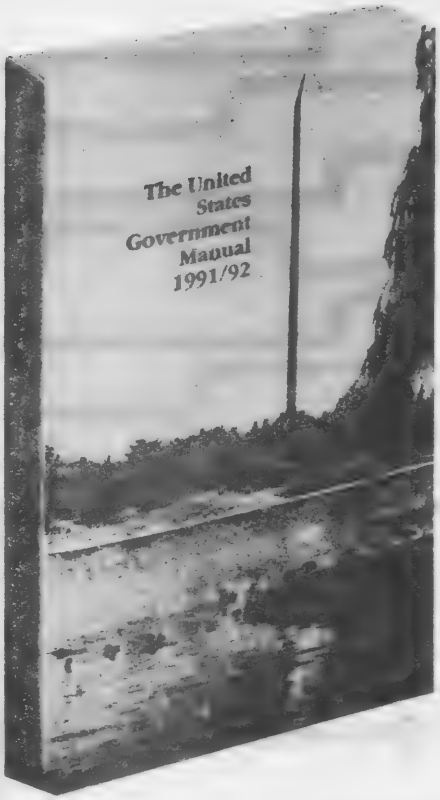

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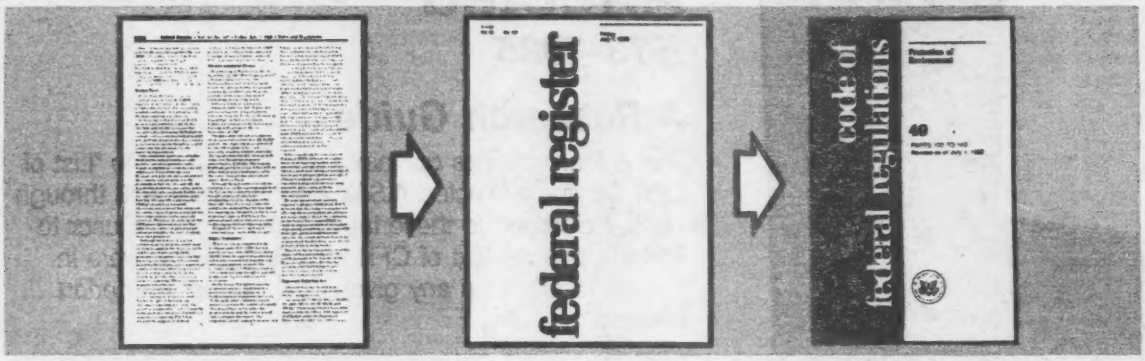

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